

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: BILLY L. DENNIS NEUBLE, { CHAPTER 13
{ DEBTOR(S) { CASE NO. A17-63641MGD
{ { JUDGE DIEHL

OBJECTION TO CONFIRMATION

COMES NOW MARY IDA TOWNSON, TRUSTEE herein, and objects to Confirmation of the plan for the following reasons:

1. The Debtor(s)' payments under the proposed plan are not current.
2. The Plan as proposed will extend beyond sixty (60) months, contrary to 11 U.S.C. Section 1322(d). (112 months).
3. The Debtor(s) has failed to provide the Trustee with a copy of the federal tax return or transcript of such return for the most recent tax year ending immediately before the commencement of the instant case and for which a federal income tax return was filed, in violation of 11 U.S.C. Section 521(e)(2)(A)(i).
4. The Debtor's Chapter 13 plan fails to specify whether they are paying the adequate protection payment direct to the creditor, or through the Chapter 13 Plan, preventing the Trustee from properly administering the plan.
5. The Chapter 13 budget fails to reflect the Debtor(s)' Uber income; thereby preventing the contribution of all disposable income to this plan.
6. The Form 122C filed in this case fails to disclose all of the Debtor's income in the six months preceding the filing of this case.

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7. The Chapter 13 budget fails to provide for the monthly expense of post-petition income tax liability on self-employment income of \$1,206.00 per month, and tax escrow slips have not been submitted; thereby, indicating that the proposed budget and Plan are infeasible, 11 U.S.C. Section 1325(a)(6).

8. The proposed plan fails to provide for the treatment of Internal Revenue Service. However, said creditor has filed a priority claim.

9. Pursuant to the Debtor(s) testimony, the monthly expense for rent is greater than that reflected on Schedule J, rendering the proposed plan and budget infeasible, in violation of 11 U.S.C. Section 1325(a)(6).

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny confirmation of this Debtor's(s') Plan and to dismiss the case; or, in the alternative, convert the case to one under Chapter 7.

September 21, 2017

/s
Brandi L. Kirkland, Esq.
for Chapter 13 Trustee
GA Bar No. 423627

CERTIFICATE OF SERVICE

This is to certify that I have this day served

DEBTOR(S):

BILLY L. DENNIS NEUBLE
1900 TREE MOUNTAIN PKWY
APT 502
STONE MOUNTAIN, GA 30083

ATTORNEY FOR DEBTOR(S):

DEBTOR PRO SE

in the above in the foregoing matter with a copy of this pleading
by depositing same in the United States Mail in a properly
addressed envelope with adequate postage thereon.

This 21ST day of September, 2017

/s
Brandi L. Kirkland, Esq.
for Chapter 13 Trustee
GA Bar No. 423627

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